

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NIMROD B.H. TAYLOR,

Plaintiff,

v.

CHRISTOPHER RANDALL and MS.
AMBER SUNDQUIST,

Defendants.

Case No. 3:23-cv-01147-AN

ORDER

NELSON, District Judge.

This prisoner civil rights case comes before the Court on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (#14). In his Motion, he claims that Defendants are threatening him with irreparable harm by refusing to accurately calculate his prison sentence in accordance with his Multnomah County criminal judgment. Defendants have not responded to the Motion.

A party submitting a written motion to the court is required to serve the motion upon every party to the lawsuit. Fed. R. Civ. P. 5(a). Such motions must also include a certificate of service. Fed. R. Civ. P. 5(d)(1). Pursuant to Fed. R. Civ. P. 65(b)(1)(B), the court may issue a

temporary restraining order without notice to the adverse party only if the applicant "certifies in writing any efforts made to give notice and the reasons why it should not be required."

Plaintiff filed a certificate of service along with his Motion seeking preliminary injunctive relief, but he does not purport to have served either of the named Defendants.¹ Instead, he certifies that he sent his Motion to various courts, the prosecutor's office in Madras, and the Attorney General's Office. This does not constitute proper notice to either Defendant in this case where: (1) Defendants are not represented by any of the individuals or entities to which Plaintiff mailed his Motion; and (2) even if Defendants were represented by the Oregon Attorney General, Plaintiff did not send his Motion to the Attorney General's correct address.² Because Plaintiff has not provided notice of his Motion to Defendants, the Motion is denied.

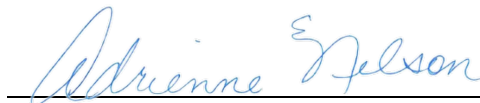
CONCLUSION

Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (#14) is denied for lack of notice to Defendants.

IT IS SO ORDERED.

September 21, 2023

DATE



Adrienne Nelson
United States District Judge

¹ Pursuant to Fed. R. Civ. P. 10(a), the only named Defendants to this case are those appearing in the caption of his Complaint, namely Charles Randall and Amber Sundquist.

² Petitioner erroneously believes that the Department of Justice is located in the federal courthouse in Portland when it is actually located in Salem.